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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,901

12/27/2004

Robert E. Berger

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09/01/2005

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EXAMINER

NGUYEN, HUNG T

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/519,901

Applicant(s)

BERGER ET AL.

Examiner

Hung T. Nguyen

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it must be submitted in a separate sheet NOT by the front page of PCT WO 2004/003687 which is not acceptable. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-14, 16-23, 25-35 & 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Fan et al. (U.S. 5,959,577).

Regarding claims 1-2, Fan discloses a portable wireless device (1,22) which having a display (142, 212) for receiving traffic information on a map from a GPS satellite (8) by radio frequency signal [figs.1,5,12-13, col.2, line 60 to col.3, line 20, col.6, lines 6-33, col.6, line 62 to col.7, line 21 and col.9, lines 49-66].

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Regarding claims 3-4, Fan discloses a portable wireless device (1,22) which having a display device as (LCD) (142, 212) for receiving traffic information on a map as gas station, food, hotel and so on and input device (140) as scroll key (213), key (215), on/off switch (211) to operate the map data information by a user [figs.5,12-13, col.6, line 62 to col.7, line 21 and col.9, lines 49-66]; and

- the Fan does teach travel traffic information includes such information as directions to reach a destination as gas station, a hotel, or restaurant, or traffic conditions in the immediate vicinities of concern [col.3, lines 11-22].

Regarding claim 6, Fan discloses a portable wireless device (1,22) which having a display device as (LCD) (142, 212) for receiving traffic information on a map as an icon of gas station, food, hotel and so on / text message [figs.5,12-13, col.6, line 62 to col.7, line 21 and col.9, lines 49-66].

Regarding claims 7-8, Fan discloses a portable wireless device (1,22) which having a display device as (LCD) (142, 212) for receiving traffic information on a map and input device (140) as scroll key (213), key (215), on/off switch (211) to operate the map data information by a user [figs.5,12-13, col.6, line 6 to col.7, line 21 and col.9, lines 49-66].

Regarding claims 9-10, Fan discloses the portable wireless device / handheld device (1,22) which having a display (142, 212) for receiving traffic information on a map from a GPS satellite

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(8) by radio frequency signal which can be mounted / fixed (3) in the vehicle as desired / or removed as desired [figs.1,5,12-13, col.2, line 60 to col.3, line 20, col.6, lines 6-33, col.6, line 62 to col.7, line 21 and col.9, lines 49-66].

Regarding claims 11-12, Fan discloses a system comprising a portable wireless device (1,22) which having a display (142, 212) for receiving traffic information on a map from a GPS satellite (8) by radio frequency signal [figs.1,5,12-13, col.2, line 60 to col.3, line 20, col.6, lines 6-33 and col.6, line 62 to col.7, line 21 and col.9, lines 49-66].

Regarding claims 13-14, Fan discloses the system having the portable wireless device (1,22) which having a display device as (LCD) (142, 212) for receiving traffic information on a map as gas station, food, hotel and so on and input device (140) as scroll key (213), key (215), on/off switch (211) to operate the map data information by a user [figs.5,12-13, col.6, line 62 to col.7, line 21 and col.9, lines 49-66]; and

- the Fan does teach travel traffic information includes such information as directions to reach a destination as gas station, a hotel, or restaurant, or traffic conditions in the immediate vicinities of concern [col.3, lines 11-22].

Regarding claim 16, Fan discloses the system having the portable wireless device (1,22) which having a display device as (LCD) (142, 212) for receiving traffic information on a map as an icon of gas station, food, hotel and so on / text message [figs.5,12-13, col.6, line 62 to col.7, line 21 and col.9, lines 49-66].

Regarding claims 17-18, Fan discloses the system having the portable wireless device (1,22) which having a display device as (LCD) (142, 212) for receiving traffic information on a map and input device (140) as scroll key (213), key (215), on/off switch (211) to operate the map data information by a user [figs.5,12-13, col.6, line 6 to col.7, line 21 and col.9, lines 49-66].

Regarding claims 19-20, Fan discloses the system includes the portable wireless device / handheld device (1,22) which having a display (142, 212) for receiving traffic information on a map from a GPS satellite (8) by radio frequency signal which can be mounted / fixed (3) in the vehicle as desired / or removed as desired [figs.1,5,12-13, col.2, line 60 to col.3, line 20, col.6, lines 6-33, col.6, line 62 to col.7, line 21 and col.9, lines 49-66].

Regarding claims 21-22, Fan discloses a method comprising a portable wireless device (1,22) which having a display (142, 212) for receiving traffic information on a map from a GPS satellite (8) by radio frequency signal [figs.1,5,12-13, col.2, line 60 to col.3, line 20, col.6, lines 6-33 and col.6, line 62 to col.7, line 21 and col.9, lines 49-66].

Regarding claim 23, Fan discloses the method having the portable wireless device (1,22) which having a display device as (LCD) (142, 212) for receiving traffic information on a map as gas station, food, hotel and so on and input device (140) as scroll key (213), key (215), on/off switch (211) to operate the map data information by a user [figs.5,12-13, col.6, line 62 to col.7, line 21 and col.9, lines 49-66]; and

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- the Fan does teach travel traffic information includes such information as directions to reach a destination as gas station, a hotel, or restaurant, or traffic conditions in the immediate vicinities of concern [col.3, lines 11-22].

Regarding claim 25, Fan discloses the method having the portable wireless device (1,22) which having a display device as (LCD) (142, 212) for receiving traffic information on a map as an icon of gas station, food, hotel and so on / text message [figs.5,12-13, col.6, line 62 to col.7, line 21 and col.9, lines 49-66].

Regarding claims 26-27, Fan discloses the method having the portable wireless device (1,22) which having a display device as (LCD) (142, 212) for receiving traffic information on a map and input device (140) as scroll key (213), key (215), on/off switch (211) to operate the map data information by a user [figs.5,12-13, col.6, line 6 to col.7, line 21 and col.9, lines 49-66].

Regarding claims 28-29, Fan discloses the method includes a database (32,138) and associated area map storage (63) for saving traffic information which may contain other data as time and date [col.4, lines 41-65 col.9, lines 49-66 and col.10, lines 31-50].

Regarding claims 30-33, Fan discloses the method includes the portable wireless device / handheld device (1,22) which having a display (142, 212) for receiving traffic information on a map from a GPS satellite (8) by radio frequency signal which can be mounted / fixed (3) in the

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vehicle as desired / or removed as desired [figs.1,5,12-13, col.2, line 60 to col.3, line 20, col.6, lines 6-33, col.6, line 62 to col.7, line 21 and col.9, lines 49-66];

- the portable wireless device (1,22) which having a display device as (LCD) (142,212) for receiving traffic information on a map and input device (140) as scroll key (213), key (215), on/off switch (211) to operate the map data information by a user [figs.5,12-13, col.6, line 6 to col.7, line 21 and col.9, lines 49-66]; and

- the portable wireless device (1,22) which having a display device as (LCD) (142,212) for receiving traffic information on a map as an icon of gas station, food, hotel and so on / text message [figs.5,12-13, col.6, line 62 to col.7, line 21].

Regarding claims 34-35, Fan discloses a navigation system (1,22) includes a database (32,138) and associated area map storage (63) for saving traffic information which may contain other data as time and date [col.4, lines 41-65 and col.10, lines 31-50];

- the navigation device is a portable wireless device / handheld device (1,22) which having a display (142,212) for receiving traffic information on a map from a GPS satellite (8) by radio frequency signal which can be mounted / fixed (3) in the vehicle as desired / or removed as desired [figs.1,5,12-13, col.2, line 60 to col.3, line 20, col.6, lines 6-33 and col.6, line 62 to col.7, line 21 and col.9, lines 49-66];

Regarding claims 37-38, Fan discloses the portable wireless device (1,22) which having a display device as (LCD) (142,212) for receiving traffic information on a map and input device (140) for storing data of traffic information to the memory device (32,138), scroll key (213), key

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(215), on/off switch (211) to operate the map data information by a user [figs.5,12-13, col.6, line 6 to col.7, line 21 and col.9, lines 49-66];

- the portable wireless device (1,22) which having a display device as (LCD) (142,212) for receiving traffic information on a map as an icon of gas station, food, hotel and so on / text message [figs.5,12-13, col.6, line 62 to col.7, line 21 and col.9, lines 49-66].

Regarding claims 39-40, Fan discloses the method includes a database (32,138) and associated area map storage (63) for saving traffic information which may contain other data as time and date [col.4, lines 41-65, col.9, lines 49-66 and col.10, lines 31-50].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 15, 24 & 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. (U.S. 5,959,577) in view of Levine (U.S. 6,140,943).

Regarding claims 5 & 15, The reference of fan does not specifically mention the apparatus having multiple roadway condition indicators as claimed by the applicant.

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However, the Fan does teach travel traffic information includes such information as directions to reach a destination as gas station, a hotel, or restaurant, or traffic conditions in the immediate vicinities of concern [col.3, lines 11-22].

Furthermore, Levine teaches an electronic navigation system using wireless transmitted video map images which may cover different zones (45,46,47), names of streets, major roadways (34,35,36), repairs or detour and so on [figs.1,3-6, 14, col.2, line 61 to col.3, line 23 and abstract].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Levine in the system of Fan for providing / identifying accurate the source of traffic information in the highways or roadways so the driver may change their travel plane based on the traffic conditions.

Regarding claims 24 & 36, The reference of fan does not specifically mention the apparatus having multiple roadway condition indicators as claimed by the applicant.

However, the Fan does teach travel traffic information includes such information as directions to reach a destination as gas station, a hotel, or restaurant, or traffic conditions in the immediate vicinities of concern [col.3, lines 11-22].

Furthermore, Levine teaches an electronic navigation system using wireless transmitted video map images which may cover different zones (45,46,47), names of streets, major roadways (34,35,36), repairs or detour and so on [figs.1,3-6, 14, col.2, line 61 to col.3, line 23 and abstract].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Levine in the system of Fan for providing / identifying accurate the source of traffic information in the highways or roadways so the driver may change their travel plane based on the traffic conditions.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hayashida et al. (U.S. 6,067,502) Device for displaying map.
- Hollenberg (U.S. 6,091,956) Situation information system.
- Ise et al. (U.S. 6,240,361) Navigation apparatus.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982.

The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read "Hung T. Nguyen". The signature is written in a cursive, flowing style with a horizontal line extending from the left.

Examiner: Hung T. Nguyen

Date: August 29, 2005